

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AMOS TATE,

Plaintiff,

v.

ERIE COUNTY SHERIFF BOB MERSKI, et al.,

Defendants.

Civil Action No. 07-101 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on May 8, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 14], filed on October 22, 2007, recommended that the action be dismissed for Plaintiff's failure to prosecute. Plaintiff was allowed ten (10) days from the date of service to file objections and service was made on Plaintiff by certified mail. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 13th day of November, 2007;

IT IS HEREBY ORDERED that this action is DISMISSED for Plaintiff's failure to prosecute.

The Report and Recommendation [Doc. No. 14] of Magistrate Judge Baxter, filed on October 22, 2007, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge